

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**BRUNSON ROBERTS
ADC #127841**

PLAINTIFF

NO. 3:20-cv-00391-KGB-ERE

DEXTER PAYNE, *et al.*

DEFENDANTS

ORDER

Pending before the Court is Plaintiff Brunson Roberts' motion to compel and Defendants' motion to stay the deadline for summary judgment on the merits. *Docs.* 85, 88.

A. Motion to Compel

On January 18, 2022, Mr. Roberts filed a motion to compel, stating that he requested discovery on February 10, 2021 (*Doc.* 28), but he has not received the requested discovery. *Doc.* 85. However, those discovery requests were filed with the Court, not counsel, and did not trigger any duty on the part of Defendants to respond to the discovery. The Court has previously explained to Mr. Roberts that discovery requests should be sent directly to defense counsel and not filed with the Court. *Docs.* 3, 75.

On January 13, 2022, Defendants filed a motion to dismiss (*Doc.* 85) seeking to dismiss Mr. Roberts' claims due to his failure to cooperate in discovery. In that

filing, Defendants state that they received the first set of interrogatories Mr. Roberts mailed to defense on December 9, 2021, but this did not provide Defendants the allotted thirty (30) days to respond before the December 26, 2021 discovery deadline.¹ *Doc. 82*. The Court will stay Mr. Roberts' motion to compel (*Doc. 85*) until the Defendants' motion to dismiss is decided. If the motion to dismiss is granted, the motion to compel will be moot. However, if the motion to dismiss is denied, the Court will then determine if the discovery deadline should be extended so that Mr. Roberts can receive responses to his discovery requests.

B. Motion to Stay the Deadline for Summary Judgment on the Merits

On January 19, 2021, Defendants filed a motion to stay the current January 26, 2022 deadline for filing merits summary judgment motions, explaining that Mr. Roberts has until February 1, 2022, to respond to their motion to dismiss. *Doc. 88*. For good cause shown, Defendants' motion (*Doc. 88*) is GRANTED. The Court will rule on the motion to dismiss before requiring the parties to motions for summary judgment.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff Brunson Roberts' motion to compel (*Doc. 85*) is STAYED until the Court has had an opportunity to rule on the motion to dismiss.

¹ On November 15, 2021, the Court set December 26, 2021, as the discovery deadline. *Doc. 75*.

2. Defendants' motion to stay the deadline for summary judgment on the merits (*Doc. 88*) is GRANTED. After the Court rules on the motion to dismiss, if appropriate, it will set a new deadline for filing merits motions for summary judgment.

IT IS SO ORDERED this 24th day of January, 2022.


UNITED STATES MAGISTRATE JUDGE